

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

09/05/2001

CLERK OF THE COURT
FORM V000A

HONORABLE MICHAEL D. JONES

T. Pavia
Deputy

CV 2001-010611

FILED: _____

LAS CASCADAS APARTMENTS

ANDREW M HULL

v.

DESIREE DALE

FELICITY MASON

APPEALS - CCC

MINUTE ENTRY

This Court has jurisdiction of this appeal pursuant to the Arizona Constitution Article VI, Section 16, and A.R.S. Section 12-124(A).

This matter has been under advisement after oral argument on August 22, 2001. The Court has considered and reviewed the record of the proceedings from the East Phoenix #2 Justice Court and the Memoranda submitted by counsel.

This is an appeal from a forcible detainer judgment entered May 23, 2001. The record reflects an agreement between the parties that a judgment would issue against Appellant for rent of \$144.16. The only issue contested by Appellant at the trial was the amount of late fees, costs and attorneys' fees. After hearing from Appellant the judge struck from the judgment, late fees of \$210.00 and wrote in zero. The judge allowed costs and attorneys' fees with the agreement of Appellant that she would have time to make payments on these fees. A total judgment was granted to Appellee in the amount of \$240.16. A timely notice of appeal was filed.

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Appellant has raised numerous issues on appeal which are waived by her failure to raise those issues during the trial and by her express consent on the record to the entry of judgment against her. Appellant's contentions are without merit.

IT IS THEREFORE ORDERED affirming the judgment of the East Phoenix #2 Justice Court dated May 23, 2001.

IT IS FURTHER ORDERED that counsel for Appellee shall submit an application and affidavit of attorneys' fees incurred on appeal to this Court no later than **October 5, 2001**.

With the exception of the issues of attorneys' fees and costs,

IT IS ORDERED that this matter will be remanded back to the East Phoenix #2 Justice Court for all future proceedings.